

**AMENDMENTS TO THE SPECIFICATION:**

**Please replace the paragraph starting on page 10, line 15 with the following:**

In the invention, as the nonaqueous solvents constituting the nonaqueous electrolyte, nonaqueous solvents for use in nonaqueous electrolytes for nonaqueous electrolyte batteries can be employed. For example, cyclic carbonates (propylene carbonate, ethylene carbonate, butylene carbonate, chloroethylene carbonate, etc.), cyclic esters (g-butyrolactone, g-valerolactone, propiolactone, etc.), linear carbonates (dimethyl carbonate, diethyl carbonate, ethyl methyl carbonate, diphenyl carbonate, etc.), linear esters (methyl acetate, methyl butyrate, etc.), tetrahydrofuran or derivatives thereof, ethers (1,3-dioxane, dimethoxyethane, diethoxyethane, methoxyethoxyethane, methyldiglyme, etc.), nitriles (acetonitrile, benzonitrile, etc.) can be mentioned which may be used solely or as a mixture of two or more thereof, but the solvents should not be construed as being limited to these examples. Moreover, there can be used phosphate esters which are nonflammable solvents and which may be generally used through addition to nonaqueous electrolytes. For example, trimethyl phosphate, triethyl phosphate, ethyl dimethyl phosphate, diethyl methyl phosphate, tripropyl phosphate, tributyl phosphate, tri(trifluoromethyl) phosphate, tri(trifluoroethyl) phosphate, ~~tri(triperfluoroethyl) phosphate~~, and the like can be mentioned, but the solvents should not be construed as being limited to these examples. They may be used solely or as a mixture of two or more thereof.

**Please replace the paragraph starting on page 15, line 18 with the following:**

Incidentally, the elements of the 6b site, such as Mn, Ni, and Co, in the composite oxide may be replaced by a different element M. Namely, the different element M is

preferably one or more elements of the Groups 1 to 16 excluding Mn, Ni, Co, Li and O, which are preferably elements replaceable with the above elements of the 6b site. For example, there may be mentioned Be, B, V, C, Si, P, Sc, Cu, Zn, Ga, Ge, As, Se, Sr, Mo, Pd, Ag, Cd, In, Sn, Sb, Te, Ba, Ta, W, Pb, Bi, Fe, Cr, Ni, Ti, Zr, Nb, Y, Al, Na, K, Mg, Ca, Cs, La, Ce, Nd, Sm, Eu, Tb, and the like, but the elements should not be construed as being limited to these examples. They may be used solely or as a mixture of two or more thereof. Of these, the use of any of V, Al, Mg, Cr, Ti, Cu, and Zn is further preferable since a particularly remarkable effect is obtained in high-rate discharge performance. However, when the amount of the different element M is too large, there is a possibility that an electrochemical capacity as a positive active material may decrease, so that it is preferable that the oxide is represented by the composite formula:  $\text{Li}_x\text{Mn}_a\text{Ni}_b\text{Co}_c\text{M}_d\text{O}_2$  and satisfies the requirements of  $a+b+c+d=1$  and the value of d is 0.1 or less.

**Please replace the paragraph on page 19, line 22 with the following:**

In the "coprecipitation process", the transition metal compound to be a raw material for the precursor is not particularly limited as long as it forms a precipitation reaction with an aqueous alkali solution but it is preferable to use a metal salt exhibiting a high solubility toward water. As the metal salts exhibiting a high solubility, there may be mentioned manganese oxide, manganese carbonate, manganese sulfate, manganese nitrate, and the like as Mn compounds, nickel hydroxide, nickel carbonate, nickel sulfate, nickel nitrate, and the like as Ni compounds, and cobalt sulfate, cobalt nitrate, and the like as Co compounds, for example.

**Please replace the paragraph on page 22, line 18 with the following:**

For the mixing of the precursor with the Li compound, a method of mixing individual powders mechanically can be employed. The mixing ratio  $[\text{Li}:(\text{Mn}+\text{Ni}+\text{Co})]$  is necessarily a predetermined molar ratio according to an aimed composition but a slightly excess of the Li compound is preferable since an aimed stoichiometric composition can be obtained with compensating the loss of Li during sintering. When the atomic ratio  $[\text{Li}/(\text{Mn}+\text{Ni}+\text{Co})]$  of the composite oxide after thermal treatment becomes less than 1.35, more preferably 1.2 or less, most preferably 1.10 or less and more than 0.95 as a result, a positive active material for lithium secondary batteries having a high energy density and a high charge/discharge cycle performance can be obtained. When the above ratio is 1.35 or more, an excess of Li compound accumulates on the surface of the active material and decrease in discharge capacity may probably occur. Moreover, when the above ratio is 0.95 or less, change in structure occurs due to generation of oxygen deficit for compensating insufficient charges, so that migration of Li is inhibited and thus there is a possibility that battery performances may be remarkably deteriorated.

**Please replace the paragraph on page 38, line 13 with the following:**

Examples of the above monomer having isocyanate groups include toluene diisocyanate, diphenylmethane diisocyanate, 1,6-hexamethylene diisocyanate, ~~2,2,4(2,2,4)~~ 2,4,4-trimethyl-hexamethylene diisocyanate, p-phenylene diisocyanate, 4,4'-dicyclohexylmethane diisocyanate, 3,3'-dimethyldiphenyl 4,4'-diisocyanate, dianisidine diisocyanate, m-xylene diisocyanate, trimethylxylene diisocyanate, isophorone diisocyanate, 1,5-naphthalene diisocyanate, trans-1,4-cyclohexyl diisocyanate, and lysine diisocyanate.